

## Message Text

LIMITED OFFICIAL USE

PAGE 01 BONN 12884 01 OF 02 021003Z

20

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13

SCCT-01 /073 W

----- 098884

R 020947Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 0834

INFO AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION USBERLIN

USMISSION NATO BRUSSELS

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 12884

E.O. 11652: N/A

TAGS: PINT GW

SUBJECT: BUNDESRAT APPROVES ANTI-TERRORIST MEASURES

BEGIN SUMMARY. THE BUNDESRAT, ON JULY 29, APPROVED THE GOVERNMENT'S ANTI-TERRORIST BILL. THE BILL HAD BEEN PASSED EARLIER BY THE SPD/FDP MAJORITY IN THE BUNDESTAG. THE GOVERNMENT BILL IS INTENDED TO: (A) MONITOR WRITTEN COMMUNICATIONS BETWEEN DEFENSE LAWYERS AND ACCUSED TERRORISTS, AND (B) MAKE MEMBERSHIP IN A TERRORIST ORGANIZATION A MISDEMEANOR. THE OPPOSITION PARTIES IN THE BUNDESRAT HAD PROPOSED STRONGER MEASURES BUT THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 12884 01 OF 02 021003Z

JOINT CONFERENCE COMMITTEE WAS UNABLE TO REACH AGREEMENT.

THE OPPOSITION WAS THEN FACED WITH A CHOICE OF ACCEPTING THE GOVERNMENT'S BILL OR GOING ON RECORD AS HAVING VOTED AGAINST ANTI-TERRORISM LEGISLATION. FACED WITH THIS POLITICALLY UNACCEPTABLE OPTION, ALL THE UNION-CONTROLLED LAENDER EXCEPT BAVARIA VOTED FOR THE BILL IN THE BUNDES RAT. CSU-CONTROLLED BAVARIA HELD OUT, AND CLAIMED THE MEASURES WERE INADEQUATE. BUNDESRAT APPROVAL HAS REDUCED THE NEED FOR A SPECIAL SESSION OF THE BUNDESRAT BEFORE THE OCTOBER 3 ELECTION. THE ACCEPTANCE OF THE GOVERNMENT BILL BY THE BUNDESRAT IS A PLUS FOR THE COALITION. END SUMMARY.

1. AFTER MUCH TUGGING AND HAULING, THE CDU/CSU-CONTROLLED BUNDESRAT APPROVED THE GOVERNMENT'S ANTI-TERRORIST BILL. THE BILL NOW GOES TO THE BUNDESPRESIDENT FOR SIGNATURE. IN THE ABSENCE OF FEDERAL PRESIDENT SCHEEL WHO IS ON VACATION, BUNDESRAT PRESIDENT LÖW, ACTING ON SCHEEL'S BEHALF, IS EXPECTED TO SIGN THE BILL INTO LAW. THE NEW LAW CALLS FOR: (A) MONITORING WRITTEN COMMUNICATIONS BETWEEN DEFENSE ATTORNEYS AND ACCUSED TERRORISTS; AND (B) MAKING MEMBERSHIP IN A TERRORIST ORGANIZATION A MISDEMEANOR WITH A MINIMUM PENALTY OF ONE YEAR IMPRISONMENT.

2. THE MONITORING OF COMMUNICATIONS BETWEEN ATTORNEYS AND THEIR CLIENTS IS INTENDED TO HALT THE PRACTICE, WHICH WAS COMMON IN THE PAST, OF ATTORNEYS ACTING AS COURIERS BETWEEN IMPRISONED TERRORIST LEADERS AND THEIR FOLLOWERS ON THE OUTSIDE. THE OTHER MEASURE IS INTENDED TO PUNISH SYMPATHIZERS WHO PROVIDE A BASE OF OPERATIONS FOR THE TERRORISTS. IT WILL NOW BE AGAINST THE LAW TO BELONG TO A TERRORIST ORGANIZATION AND HOPEFULLY THE NETWORK OF SUPPORTERS AND LOGISTIC ASSISTANCE, NECESSARY FOR TERRORIST OPERATIONS, WILL BE REDUCED.

3. THE UNION PARTIES OPPOSED THE GOVERNMENT BILL BECAUSE THEY FELT IT WAS NOT STRICT ENOUGH. THE OPPOSITION PROPOSED, FOR EXAMPLE, THAT NOT ONLY WRITTEN, BUT ALSO ORAL COMMUNICATION BE MONITORED. IN ADDITION, THE OPPOSITION BILL WOULD MAKE MEMBERSHIP IN A TERRORIST LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BONN 12884 01 OF 02 021003Z

ORGANIZATION A CRIME, NOT A MISDEMEANOR, AND PROVIDED FOR A MINIMUM PRISON SENTENCE OF FIVE YEARS.

4. ON THE MEETING OF THE JOINT CONFERENCE COMMITTEE JULY 26 THE CDU/CSU-CONTROLLED BUNDESRAT DELEGATION ATTEMPTED TO STRENGTHEN THE LEGISLATION, BUT TO NO AVAIL. THE CONFERENCE COMMITTEE DELIBERATIONS RESULTED IN A DEADLOCK. THE OPPOSITION LAENDER IN THE BUNDESRAT

THEN WERE FACED WITH THE OPTION OF APPROVING THE BILL  
AS IT WAS, OR RUNNING THE RISK OF GOING ON RECORD IN  
THE MIDST OF AN ELECTION CAMPAIGNAS VOTING AGAINST  
ANTI-TERRORIST MEASURES.

5. WITH "CLINCHED-TEET NZ THE OPPOSITION-CONTROLLED  
LAENDER, EXCEPT FOR BAVARIA, APPROVED THE BILL. LOWER  
SAXONY MINISTER-PRESIDENT ALBRECHT ATTEMPTED TO GET  
BAVARIA TO GO ALONG WITH THE OTHER CDU LAENDER IN ORDER  
TO DEMONSTRATE SOLIDARITY, BUT WAS UNSUCCESSFUL.  
REPORTEDLY THE BAVARIAN CABINET WAS PREPARED TO JOIN

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 BONN 12884 02 OF 02 021254Z

65

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

SCCT-01 IO-13 /073 W

----- 100462

R 020947Z AUG 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 0835

INFO AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION USBERLIN

USMISSION NATO BRUSSELS

LIMITED OFFICIAL USE SECTION 02 OF 02 BONN 12884

THE OTHER UNION LAENDER IN APPROVING THE BILL BUT FRANZ JOSSF STRAUSS INSITED THAT BAVARIA REMAIN FIRM IN REFUSING TO APPROVE HALF-HEARTED MEASURES AGAINST TERRORISM. THE BAVARIAN REPRESENTATIVE IN THE BUNDESRAT ACCUSED THE GOVERNMENT OF NOT COMING TO GRIPS WITH TERRORISM. HE SAID THAT THE GOVERNMENT'S BILL, WHICH MAKES MEMBERSHIP IN A TERRORIST ORGANIZATION A MIS-DEMEANOR AND NOT A CRIME, IS EVIDENCE OF THE LACK OF SERIOUSNESS WITH WHICH THE GOVERNMENT VIEWED THE PROBLEM.

6. ALL IN ALL, THE GOVERNMENT CAME OUT OF THE CONFRONTATION IN GOOD SHAPE. IT MANAGED TO PUT THE OPPOSITION LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BONN 12884 02 OF 02 021254Z

INTO A POSITION WHERE IT WAS FORCED TO SUPPORT GOVERNMENT INITIATED ANTI-TERRORIST MEASURES. OF EQUAL POLITICAL IMPORTANCE IS THAT NOW THERE IS LITTLE LIKELIHOOD OF A SPECIAL BUNDESTAG SESSION BEFORE OCTOBER 3. SUCH A SESSION WOULD HAVE PROVIDED THE OPPOSITION A FORUM, WITH CONSIDERABLE MEDIA EXPOSURE, TO ATTACK THE GOVERNMENT ON THE INTERNAL SECURITY ISSUE AND A WHOLE RANGE OF OTHER SUBJECTS. FINALLY, THE INSISTENCE OF BAVARIA TO GO IT ALONE POINTS UP ONCE AGAIN THE PROBLEM OF FULLY INTEGRATING FRANZ JOSEF STRAUSS' CSU INTO THE UNION CAMP.

7. THE OPPOSITION WILL CERTAINLY ARGUE IN THE ELECTION CAMPAIGN THAT THE SPD/FDP COALITION HAS NOT COME TO GRIPS ADEQUATELY WITH THE PROBLEM OF INTERNAL SECURITY. COALITION POLITICIANS RECOGNIZE THAT THIS ISSUE, PARTICULARLY SHOULD THERE BE AN OUTBREAK OF TERRORIST VIOLENCE SHORTLY BEFORE ELECTION DAY, COULD BE HARMFUL TO THE SOCIAL-LIBERAL COALITION. AS OF RIGHT NOW, HOWEVER, THE APPROVAL BY THE BUNDESRAT OF THE COALITION MEASURES MUST BE VIEWED AS A PLUS FOR THE GOVERNMENT. SHOULD THE CDU/CSU TAKE OVER CONTROL OF THE BUNDESTAG AFTER OCTOBER 3, THE UNION PARTIES INTEND TO RE-INTRODUCE THEIR ANTI-TERRORISM LEGISLATION.  
HILLENBRAND

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEMBERSHIP, CENTRAL LEGISLATURE, LEGISLATIVE BILLS, TERRORISTS, SPECIAL INTEREST GROUPS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BONN12884  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760297-0322  
**From:** BONN JOINT  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760897/aaaadhjr.tel  
**Line Count:** 213  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ShawDG  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 31 MAR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <31 MAR 2004 by SmithRJ>; APPROVED <13 AUG 2004 by ShawDG>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** BUNDES RAT APPROVES ANTI-TERRORIST MEASURES BEGIN SUMMARY. THE BUNDES RAT, ON JULY 29, APPROVED THE GOVERNMENT'S ANTI-TERRORIST BILL. THE BILL HAD BE  
**TAGS:** PINT, GE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006